

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-26)
WILLIAM & BEVERLY O'BRIEN
JANUARY 21, 2022

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying, Inc. on behalf of William and Beverly O'Brien, for property located within the Evergreen Zoning District. The proposed amendment, if approved, would change the zoning on a portion of the subject property from *R-1 (Suburban Residential)* to *R-2 (One Family Limited Residential)*.

B. Application Personnel

1. Owner/Applicant

William and Beverly O'Brien
688 Scenic Drive
Kalispell, MT 59901

2. Technical Representative

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on February 9, 2022, at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

PROPERTY CHARACTERISTICS

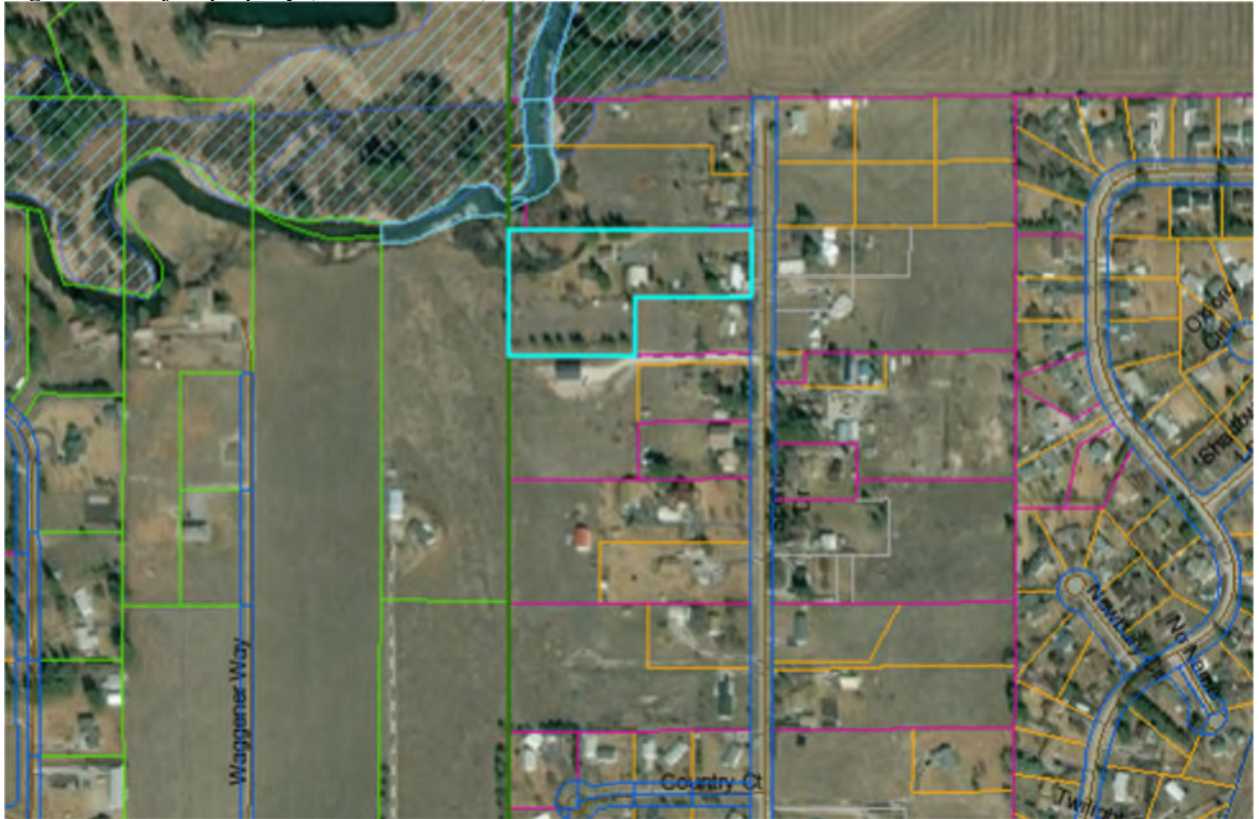
D. Subject Property Location and Legal Description

The property is located at 688 and 684 Scenic Drive near Kalispell, MT (see Figure 1 below) and is approximately 3.69 acres. The property can be legally described as follows:

Tract 2A of the Scenic Tracts Subdivision located in the Northwest quarter of the Southwest quarter of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana described as follows:

Tract 2 on Certificate of Survey *SCENIC TR* and is further described as that portion of the Northwest Quarter of the Southeast Quarter (NW¹/₄SE¹/₄) of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

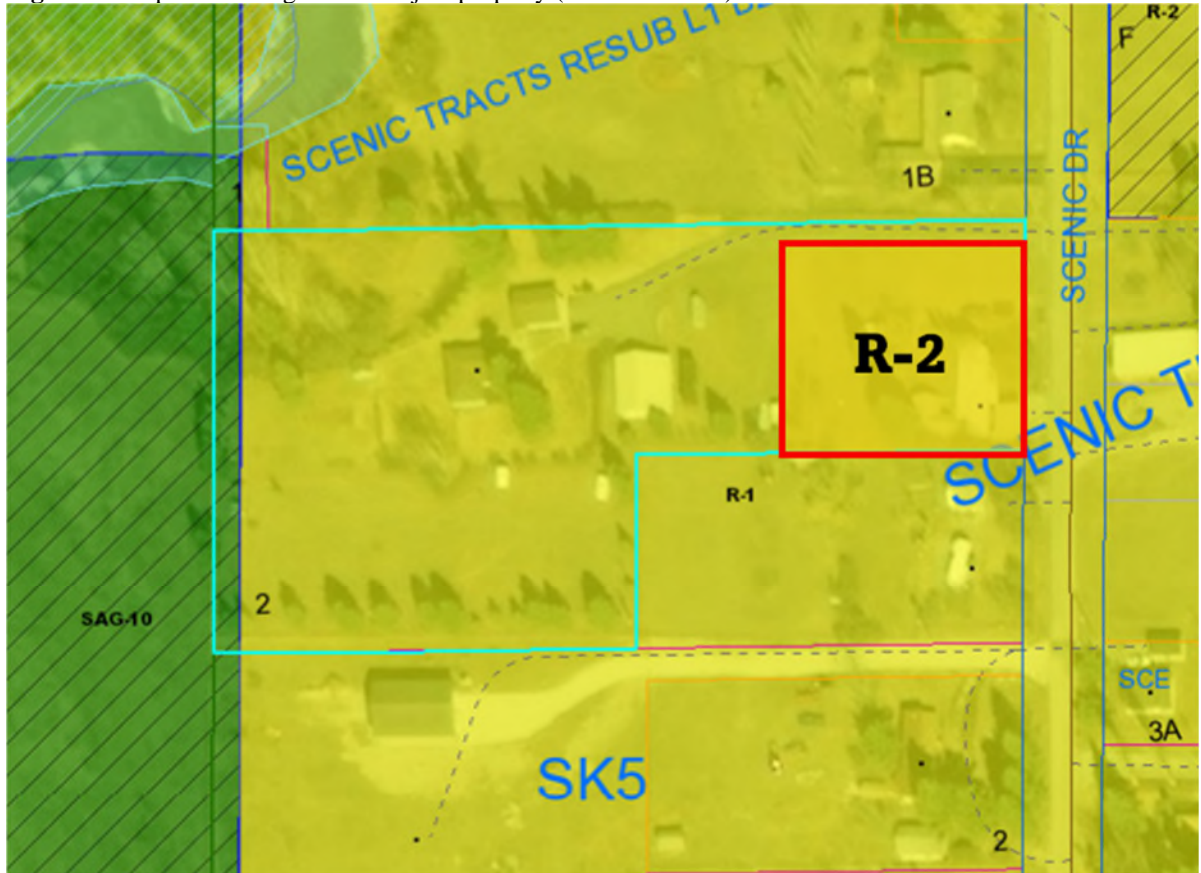
Figure 1: Subject property (outlined in blue)



E. General Character of and Reason for Amendment

The property is located north of W Reserve Drive and West of U.S. Highway 2 East. The property has a single-family dwelling, an accessory dwelling unit and various accessory structures and is relatively flat with open space. This petition for a zoning map amendment is for a portion of the property; **not** the entire 3.69 acres. The request is for a section of the property, 0.72 acres located in the front, to be granted a zoning map amendment to R-2 in order to subdivide that section of the property to gift to their son who lives in the dwelling unit near the front of the property. With the current configuration of the property and existing structures, subdividing while meeting the requirements of R-1 is not an option. The reason the entire property is not being proposed for R-2 is because the property owners would like the option of having horses on the remaining lot, which will be approximately 2.97 acres. Horses are allowed in R-1 zoning, but not R-2.

Figure 2: Proposed zoning on the subject property (Outlined in red)

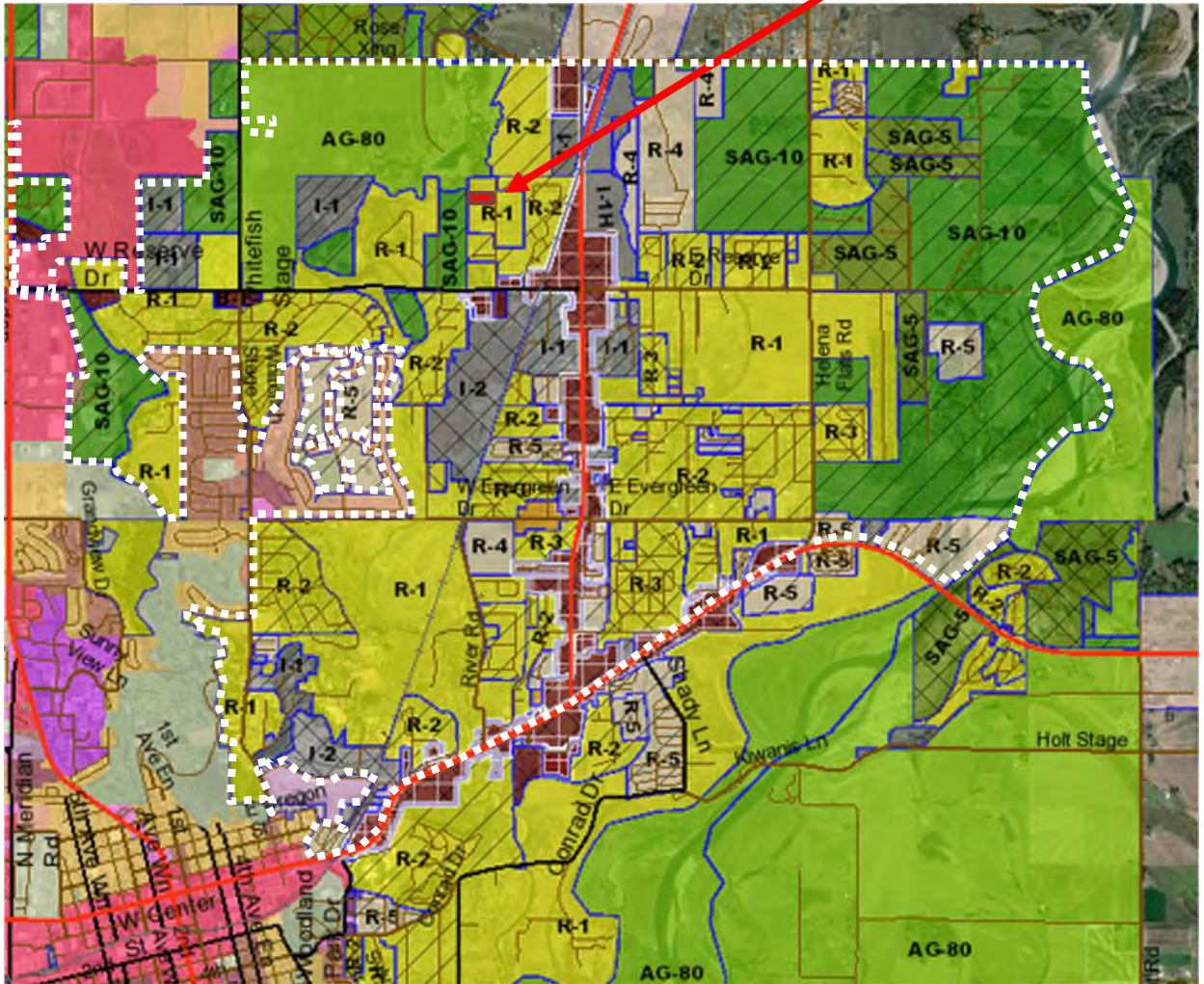


F. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Evergreen Zoning District, which is a 7,900-acre zoning district that covers much of the area known as Evergreen. Looking at the zoning within a half mile of the subject property, the character of the area is a mixture of suburban agricultural, similarly sized residential, large lot agricultural, and portions of business and industrial zoning. The property is located on Scenic Drive and directly adjacent to the property is similar residential as well as agricultural. It is bordered by R-1 to the north, south, and east and SAG-10 to the west.

About 0.15 miles directly to the east is a subdivision called *Silver Shadow Estates*. This is a 69-lot subdivision that is entirely zoned R-2, with the average lot size being around 0.5 acres. Figure 3 below shows the outline of the Evergreen Zoning District with the subject property location included.

Figure 3: Evergreen Zoning District (white dotted outline & property outlined in red)



G. Public Services and Facilities

Sewer:	Evergreen Water & Sewer
Water:	Evergreen Water & Sewer
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Evergreen School District Flathead High School District
Fire:	Evergreen Fire District
Police:	Flathead County Sheriff

II. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on January 12, 2022:
 - Flathead County Road Department
 - Flathead County Solid Waste
 - Flathead City-County Health Department
 - Flathead County Weeds & Parks Department
 - Bonneville Power Administration
 - Flathead High School District
 - Evergreen Fire District
 - Montana Fish, Wildlife and Parks
 - Flathead County Sheriff
 - Evergreen School District
2. The following is a summarized list of agency comments received as of the date of the completion of this staff report:
 - Flathead City-County Health Department
 - Comment: *“This office has reviewed the information provided and does not have any comment in regards to the zone change request for the property stated above.”* Letter received January 14, 2022.
 - Bonneville Power Administration
 - Comment: *“At this time, BPA does not object to this request, as the property is located approximately 0.32 miles away from the nearest BPA transmission lines or structures.”* Email received January 20, 2022.
 - Flathead County Road and Bridge Department
 - Comment: *“At this point the county road department does not have any comments on this request.”* Letter received January 20, 2022

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on January 19, 2022. Legal notice of the Planning Board public hearing on this application was published in the January 23, 2022, edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment,

and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

III. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

Per Section 3.11 of the Flathead County Zoning Regulations (FCZR), R-2 is defined as ‘*A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.*’

The R-1 designation is defined in Section 3.10 FCZR as, ‘*A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions.*’

The permitted uses and conditional uses for the proposed and existing zoning contain minor differences. The amendment would decrease the number of permitted uses from 15 to 9 while decreasing the conditional uses from 23 to 18.

The following are permitted uses in the R-1 zone that are not permitted in R-2:

- Agricultural/horticultural/silvicultural use.
- Dwelling unit, accessory (ADU).
- Livestock.
- Nursery, landscaping material.
- Produce stand.
- Stable, private.

The following are conditional uses in the R-1 zone that are not permitted in R-2:

- Airfield.
- Aircraft hangars when in association with properties within or adjoining and airport/landing field. *

- Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
- Caretaker's facility. *
- Radio and television broadcast station.
- Stable, public.

The bulk and dimensional requirements within the current zoning requires a 20-foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For R-1 the permitted lot coverage is 40% and maximum height is 35 feet. The only difference with setbacks for the proposed zoning (R-2) is that the principal structure has a 10-foot side setback rather than 20.

The proposed zoning permitted lot coverage is 30% and the maximum building height is 35 feet for the principal structure and 18 feet for the accessory structure, providing it does not meet the setbacks for the principal structure and the permitted lot coverage is 25%.

The existing zoning requires a minimum lot area of 1 acre. The subject property totals 3.69 acres, however only 0.72 acres is being requested for a change in zoning. By changing 0.72 acres to R-2, one additional lot could be created, however with the current zoning and the 3.69 acre total, this one lot could become three with a subdivision. The proposed zoning minimum lot area is 20,000 square feet. As previously stated, this request is to allow for one additional lot that is 0.72 acres in size. With a remainder of 2.97 acres of R-1, that land could be split once more while still meeting the R-1 requirements, though that is not anticipated as part of this request.

The requested zone change has the potential to increase density through subsequent subdivision in the future, but not to a density that is higher than the property currently has capacity for.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Residential.' The proposed R-2 zoning classification would appear to fit in with the current designations. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, "This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plans. Further information on particular land uses in these areas can be

obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on goals and policies of the Growth Policy.

The following is a consideration of goals and policies which appear to be applicable to the proposed zone change:

G.2 – *Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*

- The amendment would allow the owner to subdivide but would also allow for the continuation of the existing use on the property. Furthermore, the current size and zoning of the property also allow for subdivision.

G.8 – *Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.*

- The R-2 designation would allow for densities of 1 dwelling unit per 20,000 square feet as opposed to the current zoning which has a density of 1 dwelling unit per 1 acre. The existing dwellings are served by public services, and that would not change with an approved zoning map amendment and subsequent subdivision.

G.15 – *Promote a diverse demographic of residents.*

- **P.15.1** – *Encourage housing, employment, education, and recreation to attract, support and maintain young families.*

- The proposed zone would allow for the existing dwelling to be on a separate parcel. The purpose of this zone change is to allow that to happen in order for the current resident to own their own property via a gift by the current landowners.

G.23 – *Maintain safe and efficient traffic flow and mobility on county roadways.*

- **P.23.2** – *Limit private driveways from directly accessing arterials and collector roads to safe separation distances.*
- **P.23.4** – *Recognize areas in proximity to employment and retail centers as more suitable for higher residential densities and mixed-use development.*

- This report contains discussion on the proposals potential burden on transportation below.

G.31 – *Growth that does not place unreasonable burden on the school district to provide quality education.*

- Further discussion is contained below in this report on the adequate provision of schools below.

G.32 – *Maintain consistently high level of fire, ambulance, and emergency 911 response services in Flathead County as growth occurs.*

G.33 – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*

Finding #1: The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to support the request, the Residential land use designations identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Evergreen Fire District. The nearest fire and emergency response center is located approximately 1.6 road miles southeast of the property, on Highway 2. The Evergreen Fire Department, who did not provide comments on this proposal, would respond in the event of a fire or medical emergency. Access to the subject property would be directly from Scenic Drive, a paved public two-lane road within a 60-foot right of way. Scenic Drive connects to W Reserve Drive, which is a public paved road within a 60-foot right of way. The subject property is located within the Wildland Urban Interface (WUI) but not within the countywide priority area.

According to FEMA FIRM Panel 30029C1810J, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed map amendment will not impact safety from fire and other danger because the property is located approximately 1.6 road miles from the nearest fire station within the Evergreen Fire District, is located and accessed entirely by public and paved roads, and it is not located within the 100-year floodplain.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject property is located within the Evergreen Fire District. The Evergreen Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. Scenic Drive and W Reserve Drive are both public, paved roads within 60-foot rights of way. They both appear adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety. Permitted and conditional uses in the R-2 zone would

serve to protect and promote public health, safety and general welfare, and the uses are similar to those listed in the R-1 zoning designation.

Finding #3: The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the Evergreen Fire Department, Flathead County Sheriff and future development would comply with the permitted and conditional uses in the R-2 zone.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is accessed via Scenic Drive, which is a paved, county-maintained road. The proposed zone change would not allow additional lots to be created on the 0.72 acres beyond the one that is contemplated (the 0.72 acres itself will eventually become its own lot). There are no recent traffic counts for Scenic Drive, but it is anticipated that the proposed zone change and subsequent subdivision would not increase traffic at all since the dwellings are currently in place and being lived in. Flathead County Road and Bridge Department had no objections to this proposal.

The applicant will be required to work with Flathead City-County Health Department to meet the needs of any future development, but based on the application, there is no future development anticipated. Environmental Health stated they had no comments on the proposal. The future review would include potable water supply, wastewater treatment and disposal, stormwater drainage, and solid waste. Additionally, the property is located within the jurisdiction of the Evergreen Water and Sewer District, so any future projects involving water and/or sewer connections would be reviewed by that district at that time. Evergreen Water and Sewer was notified and has not provided comment on the proposal at this time.

While the subject property is located within the Flathead High School District and Evergreen Elementary School District, neither school district provided comments on the proposal. The proposed zone change is not anticipated to contribute to a change in the number of students in the area because the zone change is not coupled with further development. According to the 2020 Census estimates, there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2020 states there are 16,758 students enrolled in public, private and home schools. The total students (16,758) divided by the total households (49,531) equals approximately 0.34 students per household. Traditionally, 1 additional lot could generate approximately less than one school age children., but as stated before, the new lot at this site will not change the existing development or density.

The zoning map amendment would change the current 1-acre minimum lot size to a smaller 20,000 square foot minimum lot size. This request will be followed by a subdivision request in order to separate the portion of land with the new R-2 zoning from the rest of the R-1 zoning on the property.

Finding #4: The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the

contemplated further division of land will not increase existing density nor add new development, a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, and a future division of the property would require subdivision review.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

The proposed R-2 zoning has the same yard setbacks as the existing R-1 zoning, with the exception of a 10-foot side setback with R-2 versus a 20-foot side setback with R-1. R-2 has a 30% lot coverage standard, while R-1 has a 40% allowance.

As previously stated, the minimum lot size for R-1 zoning is one acre, and the minimum lot size for R-2 zoning is 20,000 square feet: just under a half-acre. The proposed zoning map amendment would not provide more potential for development than the property currently has based on the size and zoning. In the R-2 zone, accessory structures are limited to 18 feet in height. In R-1, an accessory structure may go up to 35 feet in height if it meets the setback requirements for a principal structure. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20-foot setback is required from county roads classified as collector or major/minor arterials. These bulk and dimensional requirements within the R-2 zoning designation have been established to ensure a reasonable provision of light and air. Furthermore, as previously stated, the request for a zone change is for the creation of a new parcel only, and no new development or increased density will be the result.

Finding #5: The proposed zoning map amendment would provide adequate light and air to the subject property because future development is not the goal of the zone change, and the property will essentially look and operate the same way it currently does.

b. The effect on motorized and non-motorized transportation systems;

The property is accessed via Scenic Drive, which connects to W Reserve Drive. As stated before, both of those roads are paved, public, and located within 60-foot rights of way. There are no recent traffic counts for Scenic Drive. Because this proposal is not for the purpose of increased density or development, impacts on traffic with motorized and non-motorized transportation are estimated to be minimal.

Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for residential uses. According to the Trip Manual the average trip generation rate for a single-family dwelling is 9.52 trips per day. Since the current lot utilizes two single family homes, and the goal is to separate them onto individual parcels, the proposal is not anticipated to increase traffic.

Because the property is accessed by paved and public roads with 60-foot rights of way and the Flathead County Road and Bridge Department having no objections on the proposal, effects on motorized transportation should be minimal.

The Flathead County Trails Plan does not identify Scenic Drive as an arterial bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic because future development is not proposed nor anticipated as a result of this zone change. The property will not require an easement for a bicycle trail.

Finding #6: Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Scenic Drive, a two-lane, public road and it would not need to provide a future bike/pedestrian easement.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject property is located just outside of the Kalispell annexation boundary. The subject property is located within the Growth Policy Future Land Use Map area and designated as *Urban Residential*. The subject property is located 0.8 miles as the crow flies northeast of the nearest Kalispell city limits property, which is the Village Greens development.

The Kalispell Growth Policy Planning Area Map designates area surrounding the subject property as *Urban Residential*. The proposed R-2 zoning designation would provide for densities much less than the maximum 4-12 dwelling units per acre as allowed by the Kalispell Growth Policy for *Urban Residential* (Medium Density). It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell.

Finding #7: It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the extent of the City of Kalispell Growth Policy Future Land Use Area and the zoning designation of suburban residential appears to be compatible with the proposed zoning.

d. The character of the district(s) and its peculiar suitability for particular uses;

The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

i. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The subject property is located in an area where the prevailing use is medium sized residential. There is also agricultural nearby. Directly adjacent to the

north, south and east of this property is R-1 zoning with lots ranging from roughly 0.5 acres to 3.5 acres. Adjacent to the west is a SAG-10 zoned property that is roughly 7.5 acres in size. The SAG-10 property appears to be developed with a single-family home. The nearest R-2 property to the proposed R-2 is located across Scenic Drive to the north (kitty corner). The proposed R-2 zoning designation is designed to provide for large-tract residential development, per Section 3.11.010 FCZR. The uses allowed in the R-2 zoning designation do not differ significantly from existing uses in the area.

ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract of land which is owned by one landowner. Using standard ArcGIS software staff was able to determine the property is located within an R-1 zoned area that encompasses approximately 40 acres, however, the zoning in the surrounding area is diverse within half a mile of the subject property. The subject property is typical in size in comparison to many of the other properties, however there are plenty of properties on Scenic Drive that are in the 0.5 to 1 acre range. Additionally, the entirety of Scenic Drive, which stretches roughly 0.5 miles in total, is comprised of R-1 and R-2 zoned properties with the exception of land on the east side of Scenic Drive at the intersection of W Reserve which is zoned *B-2/EEO*.

The new R-2 zoning designation would be similar in character and size to the R-2 zone located in the immediate vicinity.

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The zoning map amendment would apply to one tract for the benefit of the owner, however, the uses allowed and densities within the proposed zoning designation are very similar to the existing uses and densities on adjacent property. Many of the land uses listed as permitted uses in the proposed R-2 zoning designation exist in the area of the subject property or would not be out of character with the existing uses in the general vicinity. The zone change would benefit one property owner but not at the expense of surrounding landowners adjacent to the proposed R-2.

Finding #8: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning within a half mile of the subject property, and the request for R-2 is characteristic of Scenic Drive.

e. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The subject property is located within the Evergreen Zoning District and surrounded by residential as well as a section of suburban agricultural (see Figure 2). Previous sections of this report have discussed the differences between permitted and conditional uses in the existing R-1 zoning and the proposed R-2

zoning designation. Conserving the value of buildings throughout the jurisdictional area is a function of allowing land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed R-2 zone exist in the vicinity of the subject property such as single-family residential and various accessory uses. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area. The uses allowed in the proposed zoning are similar to the existing uses.

Finding #9: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of similar uses.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

As previously stated, the subject property is not within the boundaries of the City of Kalispell Growth Policy Future Land Use Area, updated by the City of Kalispell in 2017. The proposed R-2 zoning would be characteristic of the area with regards to Kalispell City Limits because the nearest city property is zoned R-4 which allows for a much higher density than county R-2 allows for. The Kalispell R-4 zone is a residential zone that allows for single family dwellings or duplexes on lots which have a minimum area requirement of 6,000 square feet. Because this zone change applies to only one property and will not change the existing density or development, the amendment appears to be, as nearly as possible, compatible with the zoning ordinance of the City of Kalispell.

Finding #10: The proposal appears to be compatible to the City of Kalispell's zoning because the while subject property is located inside the City of Kalispell Growth Policy Future Land Use Area, it is outside the City of Kalispell annexation boundary and the proposed R-2 zoning is characteristic of the area and requires a much lower density than the nearest city property.

IV. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to support the request, the Residential land use designations identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created and is not a future land use map.
2. The proposed map amendment will not impact safety from fire and other danger because the property is located approximately 1.6 road miles from the nearest fire station within the Evergreen Fire District, is located and accessed entirely by public and paved roads, and it is not located within the 100-year floodplain.
3. The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because the property is served by the Evergreen Fire Department, Flathead County Sheriff and future development would comply with the permitted and conditional uses in the R-2 zone.

4. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because the contemplated further division of land will not increase existing density nor add new development, a change of use would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, and a future division of the property would require subdivision review.
5. The proposed zoning map amendment would provide adequate light and air to the subject property because future development is not the goal of the zone change, and the property will essentially look and operate the same way it currently does.
6. Effects on motorized and non-motorized transportation systems will be minimal because primary access is via Scenic Drive, a two-lane, public road and it would not need to provide a future bike/pedestrian easement.
7. It appears that the proposed zoning designation would be compatible with urban growth in the vicinity of Kalispell because the property is located outside the annexation policy boundary but is within the extent of the City of Kalispell Growth Policy Future Land Use Area and the zoning designation of suburban residential appears to be compatible with the proposed zoning.
8. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because approval would not be at the expense of other landowners, there is a mixture of uses and zoning within a half mile of the subject property, and the request for R-2 is characteristic of Scenic Drive.
9. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the area already contains a variety of similar uses.
10. The proposal appears to be compatible to the City of Kalispell's zoning because the while subject property is located inside the City of Kalispell Growth Policy Future Land Use Area, it is outside the City of Kalispell annexation boundary and the proposed R-2 zoning is characteristic of the area and requires a much lower density than the nearest city property.

V. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal generally complies with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: LS